

**Allen & Overy LLP**

1221 Avenue of the Americas  
New York NY 10020

Tel 212 610 6300  
Fax 212 610 6399  
Direct line 212 610 6326  
david.esseks@allenoverly.com

January 19, 2021

**VIA ECF**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Notification Pursuant to Rule 1.12 of the New York Rules of Professional Conduct.

Dear Judge Schofield:

I am writing this letter to provide notice that we are screening one of Your Honor's former law interns, Jacob Ely, from participation in matters that were pending before Your Honor during his clerkship. We are providing this notice pursuant to Rule 1.12 of the New York Rules of Professional Conduct.

Mr. Ely was an Alexander Fellow and law intern in Your Honor's chambers from August 25, 2019 through December 13, 2019. We understand that, during his internship, he performed legal research for, as well as cite- and source-checked orders and an opinion in the matter *Contant, et al v. Bank of America, et al.* (1:17- cv-03139 (LGS)). In *Contant*, we represented BNP Paribas (referred to in the complaint as "BNP Paribas Group"), BNP Paribas USA, Inc. (f/k/a BNP Paribas US Wholesale Holdings Corp. and BNP Paribas North America, Inc.), and BNP Paribas Securities Corp. (which now includes BNP Paribas Prime Brokerage, Inc.). We similarly represent BNP Paribas,<sup>1</sup> BNP Paribas USA, Inc., and BNP Paribas Securities Corp. (together "BNPP") in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (1:13-cv-07789 (LGS)) ("*FOREX*") and *Allianz Global*

---

<sup>1</sup> BNP Paribas is identified in the *Allianz* Third Amended Complaint as "BNP Paribas Group" and "BNP Paribas S.A."

*Investors GmbH, et al v. Bank Of America Corporation, et al* (1:18-cv-10364 (LGS) (SDA)),<sup>2</sup> which are currently pending before Your Honor.

Accordingly, I am writing pursuant to Rule 1.12, which (i) bars a former law clerk from representing a client in connection with a matter in which he or she participated personally and substantially while clerking, and (ii) describes notification and screening requirements that must be put in place to ensure that the former law clerk does not share information regarding the matter with others at the firm. This letter sets forth Allen & Overy's compliance with the requirements of Rule 1.12.

We have established screening procedures to ensure that there is no flow of information between Mr. Ely and the Allen & Overy team representing BNPP in *Contant, FOREX, Allianz*, and other related litigation (together the "Screened Matter"). All firm attorneys, and legal assistants working on the Screened Matter, have been instructed in writing by email that no person working on the Screened Matter should discuss or share with Mr. Ely any information relating to his or her work on the Screened Matter and that they must not seek any information from Mr. Ely. Similarly, Mr. Ely will be instructed in writing on the first day of his employment that he is not to share any information he may have about the Screened Matter with anyone at Allen & Overy. The instructions make clear that these restrictions apply to all forms of information sharing, including but not limited to oral discussions, writings, and emails. We have also restricted the files relating to the Screened Matter so that Mr. Ely will not be able to access them. We will send regular reminders of the establishment of this screen to all personnel working on the Screened Matter and to Mr. Ely.

The written screen notification will provide that violations of our screening procedures may result in sanctions.

As an associate, Mr. Ely will be paid a fixed salary, and will not be apportioned any of the fees from the Screened Matter. The determination of a bonus, if any, also will not be related in any way to fees from the Screened Matter.

Please let me know if Your Honor desires further information about the foregoing.

Respectfully submitted,

/s/ David C. Esseks

David C. Esseks

cc: All Counsel of Record (via ECF)

---

<sup>2</sup> Allen & Overy LLP does not represent Defendants BNP Paribas, BNP Paribas USA, Inc., and BNP Paribas Securities Corp. with respect to claims by Claimants affiliated with BlackRock, Inc.